

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

572S0301

## SENATE BILL NO. 115

Introduced by: Senators Adelstein and Lederman and Representatives Feinstein, Kopp, and Lucas

1 FOR AN ACT ENTITLED, An Act to prohibit the use of certain wireless communication  
2 devices while driving.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 32-26 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 For purposes of this the term, electronic message, means a self-contained piece of digital  
7 communication that is designed or intended to be transmitted between physical devices. An  
8 electronic message includes e-mail, a text message, an instant message, a command or request  
9 to access an internet page, or other data that uses a commonly recognized electronic  
10 communications protocol. An electronic message does not include voice or other data  
11 transmitted as a result of making a phone call, or data transmitted automatically by a wireless  
12 communications device without direct initiation by a person.

13 Section 2. That chapter 32-26 be amended by adding thereto a NEW SECTION to read as  
14 follows:

15 No person may operate a motor vehicle while using a wireless communications device to



1     compose, read, or send an electronic message, when the vehicle is in motion or a part of traffic.

2     A violation of this section is a Class 2 misdemeanor.

3             Section 3. That chapter 32-26 be amended by adding thereto a NEW SECTION to read as  
4     follows:

5             This Act does not apply if a wireless communications device is used:

6             (1)     Solely in a voice-activated or other hands-free mode;

7             (2)     For making a cellular phone call;

8             (3)     For obtaining emergency assistance to report a traffic accident, medical emergency,  
9                     or serious traffic hazard, or to prevent a crime about to be committed;

10            (4)     In the reasonable belief that a person's life or safety is in immediate danger; or

11            (5)     In an authorized emergency vehicle while in the performance of official duties.